

# **EXHIBIT 1**

**SECOND DECLARATION IN SUPPORT OF FIESSLER  
ELEKTRONIK GMBH & CO. KG'S MOTION TO DISMISS**


I, Goetz Fiessler, under penalty of perjury pursuant to the laws of the United States of America, declare and affirm that the following statements are true and correct.

1. I am the Chief Executive Officer of Fiessler Elektronik GmbH & Co. KG ("Fiessler"). I have personal knowledge about the business operations and corporate structure of Fiessler.
2. The facts set forth in this declaration are true and correct and are based upon information personally known to me or made upon information and belief after appropriate investigation.
3. This Second Declaration is filed in support of Fiessler's Motion to Dismiss.
4. I have reviewed plaintiffs' Opposition to Fiessler's Motion to Dismiss and submit this Second Declaration to correct multiple incorrect assertions and inaccuracies in plaintiffs' Opposition papers.
5. In paragraph 6 of plaintiffs' Opposition, plaintiffs claim that "it is believed" that Fiessler obtains revenue from selling Cookie data from those that access its website. That statement is incorrect. Fiessler receives no such revenue and has received none from Massachusetts.
6. In paragraph 10 of plaintiffs' Opposition, plaintiffs claim that product and services can be ordered or purchased from Fiessler's website. Again, this statement is incorrect. No products or services can be ordered from Fiessler through Fiessler's website by Massachusetts customers. If a customer in Massachusetts attempts to do so, he or she will be diverted to the website of Fiessler's independent U.S. distributor, Press Brake Safety, in Indiana. All Fiessler goods and services must be ordered, purchased and paid for over this distributor's website, i.e., the entire transaction is conducted and handled over the distributor's website, and the product will be sent to the customer in Massachusetts from there.
7. Fiessler has sold no good or service into Massachusetts ever; online or otherwise.

8. I have read the foregoing declaration, and the factual statements contained therein are true and correct to the best of my knowledge, information and belief.

Signed in Germany, under penalty of perjury pursuant to the laws of the United States of America, this 31 day of August, 2023.

Date: 2023/8/31

  
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Goetz Fiessler